STATE OF RHODE ISLAND SUPERIOR COURT
PROVIDENCE, SC.

EX 29

ARTHUR D'AMARIO III

V.

C.A. NO. 86-
862462

FRANK J. RUSSO; individually,
GEMINI CONCERTS;
CONCERTS EAST;
HARRISON FUNK (alias);
GAIL ROBERTS; individually,
GAIL ROBERTS PUBLIC RELATIONS,
RTC MANAGEMENT;
CAPITOL RECORDS, inc.;
WILLIAM BLACKWELL;
JEFF ROSS (alias);
THE DISTANCE, inc.;
EDWARD "PUNCH" ANDREWS; and
PUNCH ENTERPRISES

Count I: Libel
Count II: Breach of Contract
Count III: Tortious Interference with Business Relationship
Count IV: Civil Conspiracy

COMPLAINT

PARTIES

1. Defendants Frank Russo, Gemini Concerts and Concerts East live and do business in the state of Rhode Island.

2. Defendant Harrison Funk is a resident of New York and travelling photographer who does work in Rhode Island.

3. Defendants Gail Roberts and Gail Roberts P.R. are based in California but have the necessary minimum contacts with the state of R.I. to be subject to the Court's jurisdiction.

4. Defendant Jeff Ross is a travelling road manager of touring entertainers who has done work in the state of R.I. His present whereabouts are known only to the other defendants.

5. Defendant Capitol Records is a corporation based in California with sufficient minimum contacts with the state of R.I. to be subject to the jurisdiction of this Court.

6. Defendants Blackwell, Andrews, The Distance and Punch Enterprises are citizens and residents of the state of Michigan. They book and produce rock concerts in the state of R.I.

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SUPERIOR COURT
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FACTS

7. On June 9, 1983 Plaintiff Arthur D'Amario III entered into an agreement with Defendant William Blackwell which would allow the plaintiff to photograph singer Bob Seger at the Providence Civic Center on June 10, 1983. Blackwell was at that time representing defendants The Distance and Punch Enterprises, as well as Edward Andrews, his employer.

8. On or about June 9, 1983 Blackwell received information from defendant Capitol Records that the plaintiff was in the business of making money by "bootlegging photographs."

9. On June 9 and/or June 10, 1983 Blackwell was visited at the Biltmore Hotel in Providence by concert promoter Frank J. Russo, representing his corperations Gemini and Concerts East. Blackwell received information from Russo that the plaintiff was a bootlegger who used his photos in violation of the copyright laws and the privacy rights of the entertainers.

10. On June 10, 1983 Blackwell terminated his agreement with the plaintiff based on the false reports he had received. On this night Russo acknowleged to the plaintiff that he'd had a photo pass but that it was for "the previous night's show." Russo admitted he had just talked to Blackwell about me and that I "no longer had a photo pass." This conversation took place in the office of Civic Center Director Dorothy LeGrand, who was present the entire time.

11. Mrs. LeGrand phoned Blackwell to find out what Russo had said. She would not tell me Blackwell's answer but stated he would not talk to me. I called Blackwell myself and asked "What did Russo say to you?" He replied "no comment" and hung up.

12. The following week defendants Capitol Records and Edward Andrews were asked by the plaintiff to reinstate his photo pass for the Hartford show of June 17, 1983. Without giving a reason, all parties denied the request. In the ensuing weeks, Capitol's publicists in New York City refused to speak to the plaintiff by phone or in person at their Manhattan office.

13. On July 1, 1983 plaintiff met with defenants Jeff Ross and RTC Management at their office on east 63rd St. in Manhattan. Ross identified himself as "the man at the top" at RTC Mgt. Ross refused to look at plaintiff's published works, or "credentials" stating he knew there was a problem between "you and Frank." Ross would not grant plaintiff a photo pass for the Diana Ross concert of August 6, 1983 in Providence for that reason.

14. On July 25, 1983 plaintiff again visited RTC to request a photo pass. Again Ross said no and refused to look at my work. Plaintiff was told when Ross left that Gail Roberts Public Relations in Los Angeles actually dispenses photo passes for all performances by Diana Ross. This information came from RTC's receptionist.

15. On July 28, 1983 plaintiff phoned defendants Roberts and Gail Roberts Public Relations for a photo pass to the August 6 Diana Ross concert at the Providence Civic Center. Secretary "Marilyn" took the call and instructed plaintiff to put his request in writing, which was done that same day.

16. On August 5, 1983 defendant Harrison Funk, then office manager of Retna Ltd. in New York (plaintiff's photo agency) called to say Gail Roberts had approved the photo pass and it would be left at the will call window of the box office in the plaintiff's name. In case of a problem, Ms. Roberts left two names to contact: Jeff Ross, and Al Dotoli, who is promoter Russo's production manager.

17. On August 6, 1983 plaintiff received his envelope at the box office with his name on it. It contained only a useless complimentary ticket in a distant location, too far from the stage to take pictures. The vital photo pass was missing.

18. Plaintiff went to the stage door and met with Jeff Ross. He said he would get a photo pass, but he returned without it and said plaintiff would not need it. Ross escorted the plaintiff to his 2nd row seat and said he could shoot from there. When Ross left, Russo, standing close by, followed him backstage.

19. Ten to Twenty minutes later Ross came back and was extremely angry, pointing his index finger in plaintiff's face and asking how plaintiff found out who Gail Roberts is. Ross also demanded proof that plaintiff shoots for Retna Ltd. and demanded to see proof that numerous magazines have published the plaintiff's pictures. He was told that proof was made available to him in New York July 1st and 25th but he refused to look at it. After threatening plaintiff with ejection he left. Immediately Russo appeared and stood next to the plaintiff throughout the first half of the concert.

20. On August 8, 1983 Harrison Funk called the plaintiff and shouted "Are you bootlegging t-shirts?" Allegation was denied and Funk explained Gail Roberts had just spent 20 minutes "chewing my ear off" because someone informed her plaintiff used his photos to make bootleg t-shirts. Funk said Roberts was threatening to deny press credentials to all Retna photographers for representing a bootlegger.

21. On that same day Gail Roberts would not accept a phone call from the plaintiff. Journalist Bob Angell of the NewPaper phoned her in the plaintiff's presence and said "I've got a report that Frank J. Russo told you rock photographer Arthur D'Amario is a bootlegger." Angell told the plaintiff her responce was "It wasn't Russo who called. Other than that I have no comment."

22. Add to paragraph #19 that Jeff Ross allowed the plaintiff to remain in the arena only after surrendering to him the complimentary ticket and the envelope with plaintiff's name on it. This was the only physical evidence that the plaintiff had in fact been on the pass list.

23. Plaintiff returned to RTC Mgt. on August 10, 1983 to confront Jeff Ross. Plaintiff was told he was still travelling with the tour and would be back in September. In September the plaintiff was told Ross no longer works there.

24. On August 10, 1983 plaintiff met with Harrison Funk at Retna's office. Funk said he could not defend plaintiff's reputation against bootlegging allegations because it was too

risky to argue with people like Gail Roberts "who are the music business." At that time or later that month Funk stated he could no longer obtain press passes for the plaintiff and any calls inquiring if Arthur D'Amario works for Retna Ltd. would be replied to thusly: "No, we've never heard of him." Funk insisted this policy was necessary to protect the other photographers and was in effect only because of Frank J. Russo's smear campaign.

25. Plaintiff was swiftly weeded out of the rock concert photography business and eventually blacklisted. Income has been taken away along with numerous opportunities to photograph other new stars and advance in this field.

26. Defendant Capitol Records and its subdivisions, for example, still refuse to grant photo passes to the plaintiff, even when he is on assignment for a specific publication.

27. Attorney Melissa K. Weeks, representing Jeff Ross and Gail Roberts, has stated it is not possible to admit to the facts on the record for fear it would strengthen plaintiff's standing in a seperate civil suit vs. Frank Russo regarding the right to take pictures in the Providence Civic Center.

28. Plaintiff alleges two seperate conspiracies initiated by Russo in retaliation for the civil suit filed in May, 1983, docket #83-0336S (federal court).

29. Motivation for involvement of other defendants to cover up libelous actions of Russo was not just an original belief that rumours were true, but a desire to see plaintiff lose in his attempt to have district court invalidate contractual clauses restricting the use of cameras.

COUNT 1

(Libel)

30. Paragraphs 1 through 29 of the complaint are hereby restated as if set forth fully at length herein.

31. By reason of the foregoing, defendants Russo, Gemini Concerts, Concerts East, Capitol Records, William Blackwell, Edward "Punch" Andrews, Gail Roberts and Jeff Ross have libeled the plaintiff, thereby causing severe harm to the plaintiff.

32. Actions of these defendants as aforesaid were willful, malicious and in reckless disregard of the truth. At no time were defendants able to produce evidence of their allegations when called upon to do so.

WHEREFORE, plaintiff Arthur D'Amario III demands judgment against said defendants, jointly and severally, in the amount of Fifty Thousand Dollars ($50,000) as compensatory damages and the additional sum of Five Hundred Thousand Dollars ($500,000) as punitive damages, plus interest and costs.

COUNT II

(Breach of Contract)

33. Paragraphs 1 through 29 of the complaint are hereby restated as if set forth fully at length herein.

34. By reason of the foregoing, defendants Harrison Funk, Gail Roberts, Gail Roberts Public Relations, Jeff Ross, RTC Management, William Blackwell, The Distance, Punch Enterprises, and Capitol Records have breached their contractual agreements with the plaintiff, thereby causing damages to the plaintiff.

35. Actions of these defendants as aforesaid were willful, malicious and in reckless disregard of the plaintiff's contractual rights.

WHEREFORE, plaintiff Arthur D'Amario III demands judgment against said defendants, jointly and severally, in the amount of Fifty Thousand Dollars ($50,000) as compensatory damages and the additional sum of Five Hundred Thousand Dollars ($500,000) as punitive damages, plus interest and costs.

COUNT III

(Tortious Interference with Business Relationship)

36. Paragraphs 1 through 29 of the Complaint are hereby restated as if set forth fully at length herein.

37. The above described acts of defendants Frank J. Russo, Gemini Concerts and Concerts East were a tortious interference with an advantageous business relationship of the plaintiff.

38. Defendants Russo, Gemini, and Concerts East at all times mentioned herein knew of said advantageous relations.

29

39. The actions of these defendants as aforesaid were willful, malicious and in reckless disregard of the plaintiff's contractual rights.

WHEREFORE, Plaintiff Arthur D'Amario III demands judgment against Defendants Frank J. Russo, Gemini Concerts and Concerts East, jointly and severally, in the amount of Fifty Thousand Dollars ($50,000), as compensatory damages and the additional sum of Five Hundred Thousand Dollars ($500,000) as punitive damages, plus interest and costs.

COUNT IV

(Civil Conspiracy)

40. Paragraphs 1 through 29 of the Complaint are hereby restated as if set forth fully at length herein.

41. Upon information and belief, all named Defendants reached a joint agreement to unlawfully deprive the plaintiff of his business and reputation. Defendant Frank Russo started this out of revenge for the civil rights suit, and the others joined in to tip the scales in his favor. Defendant Jeff Ross has, upon orders or suggestion from Russo, confiscated and destroyed important physical evidence.

42. The actions of all defendants as aforesaid were willful, malicious and in reckless disregard of the plaintiff's contractual rights and reputation as a legitimate photojournalist.

WHEREFORE, Plaintiff Arthur D'Amario III demands judgment against Defendants Frank J. Russo, Gemini Concerts, Concerts East, Harrison Funk, Gail Roberts, Gail Roberts Public Relations, RTC Management, Capitol Records, Jeff Ross, William Blackwell, The Distance, Edward "Punch" Andrews and Punch Enterprises, jointly and severally, in the amount of One Hundred Thousand Dollars ($100,000) as compensatory damages and the additional sum of One Million Dollars ($1,000,000) as punitive damages, plus costs and interest.

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STATE OF RHODE ISLAND
SUPREME COURT
JUDICIAL RECORDS CENTER

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Plaintiff hereby demands trial by jury.

ARTHUR D'AMARIO III

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